

STATEMENT

OF

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BEFORE THE

**HOUSE COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND HUMAN
RESOURCES**

REGARDING

**FEDERAL LAW ENFORCEMENT:
LONG TERM IMPLICATIONS OF HOMELAND SECURITY NEEDS**

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MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE,

I want to thank you for the opportunity to testify today on "Federal Law Enforcement: Long Term Implications of Homeland Security Needs." Since September 11th, I have testified on a number of occasions with respect to the actions that the Immigration and Naturalization Service (INS) has taken to strengthen national security. This is our first opportunity to discuss with Congress how we are balancing these necessary efforts with the business of tending to our other immigration mission responsibilities. In many ways, the focus on national security and counter-terrorism has enhanced enforcement efforts and strengthened some enforcement policies.

My remarks today will describe some of the impacts counter-terrorism operations have had relative to our overall capacity, and what mechanisms are in place for setting priorities and making resource decisions for the near-term without sacrificing our long-range goals and objectives.

Let me say this at the outset: while responding to the need for heightened security nationwide, INS is accountable and will remain attentive to the public safety responsibilities that are inherent in our immigration enforcement mandate. Agents, officers, and attorneys throughout the country are tending to our "other" mandates. That means:

- Apprehending persons who are attempting or have entered illegally;
- Removing criminal aliens from the border and interior;
- Identifying and investigating alien smuggling and immigration-related crimes; and
- Apprehending those who have violated the terms of their status in the United States.

The American public justifiably expects that we will continue to make progress on removing criminal aliens from the interior and apprehending criminal and non-criminal illegal aliens at our borders. But they also expect INS to devote every possible resource to preventing and thwarting terrorist attacks. This makes it all the more important that we continue to set priorities and plan for the future. Today I will focus on how we will continue to improve the management of our national security efforts and INS mission in the months and years ahead.

The Impact of the Recent Emphasis on Homeland Security

The INS has responded at many levels and in conjunction with other agencies to perform direct law enforcement activities, provide identification and intercept capabilities, supply intelligence information and complete investigative and detention functions.

Add Coverage and Inspections Processes at the Ports of Entry

The Inspections Program has focused all its resources on meeting the Threat Level One commitments since September 11, 2001, including: staffing all small and remote locations 24 hours a day/7 days a week¹; ensuring all flights will be inspected at their first port of entry (POE); completing record checks of those seeking admission; and completing checks of vehicles as they cross the land borders. This increased vigilance to make thorough and accurate determinations affects the more than five hundred million inspections that are conducted at our POEs every year. Currently, the INS has 4,775 Inspectors to process these persons who arrive at our borders, and hundreds of millions enter the United States without visas, through visa waiver programs or other exemptions from the normal visa process. With the FY 2002 appropriations and the Administration's emergency supplemental request, the number of Inspectors will grow to over 5,700.

¹All land POEs are staffed with the exception of one POE in Maine that is closed because it is a seasonal port. There are sensors and cameras there. The airports are only staffed 24/7 if there are international arrivals.

The post-September 11th procedures put into place at POEs have strengthened the enforcement posture of the nation and contribute directly to improved border security. The consequence to the public who travel through our POEs is increased wait times at the airports and land ports that have risen above statutory limits and Service goals in recent months. The additional security activities have necessitated a temporary curtailment of certain other activities, such as enrollment of new applicants for various alternative inspection processes that facilitate border crossings for low-risk travelers.

Leverage the Strength of the Border Patrol

In 1994, the Border Patrol implemented a four-phased multi-year national strategy to deter, detect and apprehend illegal entrants, smugglers and, in certain instances, contraband along our 8,000 miles of border. The strategy involves forward deployment of personnel, equipment and technology along the Southwest Border and then along the Northern Border, Pacific, Atlantic, and Gulf Coasts. Due to the events of September 11, the Border Patrol accelerated plans for deployment of manpower and resources to the Northern Border sectors.

Within 36 hours of September 11, 2001, the Border Patrol deployed 318 Border Patrol Agents to eight major airports around the country. These Border Patrol Agents augmented existing security operations and helped to restore a sense of security to the traveling public. We have deployed 150 Border Patrol Agents to POEs along the Northern and Southwest Borders in order to assist with security, traffic management and to maintain Threat Level One commitments.

The Border Patrol Agents deployed in support of these two enforcement initiatives were from Southwest Border Sectors. Careful consideration was given as to where they would be drawn from in order to minimize the impact on Southwest Border enforcement operations. In addition, overtime was used to compensate for their absence as well as leave restrictions in some locations. No significant reduction in enforcement capabilities resulted from this temporary shift of resources. Frankly, these are positive but short-term solutions. We will continue to systematically deploy agent staffing, technology and support resources to meet our long-term shared border management objectives to maintain and extend control along the Southwest and increase control along the Northern Border.

Because these and other special operations will continue at least through FY 2002, there are resource and mission implications to be addressed. The resource implications are being addressed in a counter-terrorism supplemental budget request pending before Congress. The mission has not changed but has become more complex. The profile of the 21st century terrorist, as defined by the September 11 attack, has increased the complexity of intelligence gathering and intelligence interpretation for the Border Patrol as well as for every other U.S. Federal, state and local law enforcement component. These complexities are being addressed to determine how our law enforcement focus may be strengthened as the need to absorb, interpret and act on terrorist intelligence information vies daily with our law enforcement attention on illegal immigration and intelligence information on smuggling operations.

Sustain a Focus on Public Safety in the Interior of the United States

Although the INS continues to be engaged in many investigations into anti-smuggling efforts, the identification and arrest of criminal aliens, and other violations of immigration law, INS' support of the investigation into the terrorist attacks of September 11 is the highest priority. Of the 1,977 Special Agents employed by INS, 1,000 have worked on the investigation into the terrorist attacks on the Pentagon and World Trade Center. To date, our Special Agents have developed over 2,500 leads in the case.

INS has shifted its overall investigative resources and priorities in support of counter-terrorism efforts. As a result of this reprioritization, the core duties related to investigating immigration criminal conspiracies and responding to state and local law enforcement agencies have been sustained while other unrelated interior enforcement actions have temporarily received less attention. INS Special Agents throughout the entire country have worked hand in hand with the FBI and the intelligence community to conduct field interviews, make criminal and administrative arrests, run checks against crime indices of criminal histories and lookouts, and share their unique area of expertise with other law enforcement agencies. INS Special Agents have participated in more than 3,900 field interviews since September 11th.

The Investigations Program has responded to this crisis in a number of other ways. For example, Headquarters Investigations directed that each Region initiate worksite investigations into the hiring practices of companies employing people who work at airports and have direct access to commercial aircraft and other "secure areas." Particular attention is devoted to companies providing security at major airports within the United States.

Provided Secure and Suitable Detention in Support of Terrorism Investigations

The INS Detention and Removals Operations Division has re-directed human and fiscal resources toward the operation of various command centers on a 24 hour/7 days a week basis. In order to accomplish this mission, staff has been placed on overtime and staff have been detailed to various locations. A general slowdown in airlines operations and enhanced travel restrictions for Federal employees have slowed our ability to carry out removals, and hence increased the need for detention space. Furthermore, investigations into the World Trade Center and Pentagon attacks have increased the need for higher-security detention bed-space which has been provided by the Bureau of Prisons.

At the same time, we have been systematically devoting the bulk of our resources to detain and remove over 60,000 criminal aliens each year. The FY 2002 Counter-terrorism Supplemental request pending before Congress includes resources that will allow us to strengthen plans to develop and implement fugitive operations program with the sole mission of identifying, locating, apprehending, and removing criminal aliens who have received final orders of removal and who have not presented themselves for removal.

Continued Counter-Terrorism and Other Long-Range Planning at INS

There has been a necessary, though managed, impact on our other law enforcement missions. Additional staffing needs to address counter-terrorism operations are being addressed through details, transfers, overtime and redistributing intelligence, investigative and detention resources. The longer-term solution will require a reassessment of our strategies—a fresh look at our plans—to absorb new priorities without weakening our primary mission.

Even before September 11th, INS was developing mid to long range plans in response to growth in both its mission responsibilities and its staff. We need to see that they properly integrate with each other in light of our changing external and internal environments. Counter-terrorism is now the Department of Justice's number one goal and INS has a role to play in fighting terrorism. Simultaneously, all of INS' other goals remain intact, and we fully expect to meet those goals as well. INS has been moving toward using key mission area plans to guide specific operations and address particular law enforcement threats. We are currently developing five to ten year plans in selected areas. For example, we are developing a five-year ***Interior Enforcement Strategy*** that concentrates on public safety and immigration-related crimes. Its focus will be on identifying and removing all criminal aliens from the interior and on domestic investigation of criminal networks

involved in alien smuggling, fraud, illegal employment or other criminal activity such as drugs and gangs. It also defines a level of coordination with other Federal, state and local law enforcement.

In addition, INS has long-term plans to guide and align **Infrastructure and Technology** with accomplishment of the mission. INS has undertaken several major initiatives to improve the planning and integration of its Information Technology environment, including developing five-year IT plans, the INS Enterprise Architecture Plan, and a five-year Records Management Plan. INS also manages its construction and vehicle fleet acquisitions and replacements to reduce the gap between staff and infrastructure with long-range plans that prioritize the projects that indicate the greatest need and offer the greatest return.

While the purpose of the discussion today is the impact on the law enforcement mission, it must be said that the INS is also committed to providing accurate, timely, and professional immigration services. The INS is finalizing a ten-year business plan that provides the framework not only for reducing backlogs and improving process times, but for completely transforming the way INS delivers its services to customers and manages the millions of requests for immigration benefits each year.

We are also currently reevaluating existing strategic plans, for example, the **Border Patrol Strategic Plan** outlines a multi-phased, multi-year approach for controlling illegal immigration along the U.S. borders, by achieving levels of deterrence in geographic areas experiencing the greatest illegal activity. As INS approaches deployment of over 10,000 Border Patrol agents this fiscal year, having this type of strategy in place allows us to make decisions about alignment of our resources with control of particular geographic corridors. It also made recent choices about temporary redeployments for security purposes clearer and less likely to weaken the Government's overall border management strategy. Though our commitment to additional counter-terrorism duties is firm, the importance of our primary goal of achieving comprehensive border control has not diminished.

In addition, the **National Anti-Smuggling Strategy** focuses on the deterrence, disruption and dismantling of major smuggling organizations operating not only in the United States, but in source and transit countries as well. In FY 2002, the strategy will place a significant emphasis on targeting organizations that smuggle aliens who present a threat to national security. Terrorists and their associates are likely to align with specific alien smuggling networks to obtain entry into the United States. It is also a well-known fact that some smuggling organizations utilize their illicit profits to provide financial support to terrorist organizations. The INS' activity in this area will target specific smuggling corridors, and will emphasize long-term, complex investigations targeting smuggling organizations that present a threat to national security. Specific investigative targets have been identified, based on recommendations of the Interagency Working Group² on alien smuggling.

Restructuring Planning at INS

During his campaign for the Presidency, President Bush pledged that he would fundamentally reform the INS. He expressed concern that service and enforcement at the INS conflicted in ways that prevented the sound execution of these two important missions. The President proposed to divide the service and enforcement missions of the INS into separate functions as a way to improve the agency and help the nation. The President has made it quite clear that he wants effective restructuring and he wants it soon. Today, I will focus on the aspects of the plan that relate to the enforcement mission.

After being confirmed by the Senate, I formed a task force to develop an administrative restructuring of the INS as the quickest, most efficient way to reform the agency. I had the full

² The IWG is composed of representatives from INS, FBI, DOJ, CIA, NSA, USGG, and DOS.

support of the President and Attorney General in this endeavor. The task force and I reviewed all the prior studies, plans, and legislation to reform the INS, borrowed what made sense, discarded what did not, and developed a draft plan.

While the plan was largely completed prior to September 11, we made some changes after the attacks to ensure the plan effectively responded to potential terrorist threats. The Attorney General and the White House, including the Office of Homeland Security and the Office of Management and Budget, were consulted in the development of this plan.

There is no debate about whether or not to reform the INS. The issue is simply what is the best way to do that and how can it be done quickly, efficiently, and with the appropriate administrative flexibility.

The Administration's Plan

The plan for implementation is designed to minimize disruption within the Agency during this time of national crisis when the INS is a front line combatant in the war against terrorism.

Let me now highlight the major elements of the Administration's restructuring plan. The plan:

- ◆ Splits immigration services and immigration enforcement functions into two separate bureaus.
- ◆ Provides clarity of function by improving accountability and professionalism through a chain of command with specific expertise at all levels. This is accomplished by elimination of the Regional Director and District Director positions, which have dual responsibilities for services and enforcement.
- ◆ Maintains a strong leader at the top and a unified Office of General Counsel to allow swift and decisive action in times of crisis.
- ◆ Forms an integrated law enforcement organization that can respond quickly to combat terrorism, human smuggling operations and illegal immigration activities at the border and in the interior.
- ◆ Ensures, through the new position of Chief Information Officer (CIO), that the Services Bureau maintains access to relevant enforcement data in adjudicating benefit applications. The CIO, through the Information Coordinator, will also ensure that Enforcement Bureau personnel maintain necessary and appropriate access to data collected by the Services Bureau.
- ◆ Positions INS to better share and utilize intelligence information.
- ◆ Creates an Ombudsman in the Bureau of Immigration Enforcement to provide the public with a means to communicate concerns and complaints.

The new enforcement structure will place emphasis on further developing INS' extensive relationships with foreign, federal, state and local law enforcement agencies. The Interagency Liaison Officer, reporting to the Executive Commissioner for Immigration Enforcement, will facilitate an improved flow of information and cooperation with Federal, state, and local law enforcement organizations.

Resource Decisionmaking in the Short and Long Run

The events of the past several months have challenged us to quickly assess and estimate short-term costs and project the level of sustained response that would be required for an effective counter-terrorism program. In the short term, we have developed cost estimates for the wide array of one-time special initiatives, new systems and information technology, additional staff resources, intelligence components, and physical security measures. Rather than a change to our mission areas, this represented the additional duties and refinements needed to tailor our strategies and missions to combat this specific type of threat.

Recognizing that these types of changes cannot be implemented immediately, shortly after September 11th, INS put forth estimates for emergency needs and a \$400 million request for INS was included in the Administration's FY 2002 Counter-terrorism Supplemental resource request pending before Congress. This request set forth what we feel can be an effective series of measures that would strengthen our enforcement capabilities.

Apart from these proposed increases, based on the enacted FY 2002 Appropriation Act, we will have an overall budget of \$5.6 billion and grow to over 36,000 positions by the end of this fiscal year. We will continue to plan for resources that balance our various enforcement and benefits responsibilities.

- INS intends to increase the number of Border Patrol Agents and support staff along the Northern Border, while not neglecting the continued needs along the Southwest Border. Such increases also include necessary facilities infrastructure, technology and vehicles.
- In FY 2002, we received an increase in the number of Inspectors at POEs. The increase should allow us to handle the volume and conduct inspections to increase intelligence, enforcement presence and deterrence, and to prevent entry of terrorists, criminals and smuggled aliens at ports of entry.

Partnerships with Other Agencies and Governments Have Been Critical

Much of INS' strategy and operations has relied on developing extensive relationships with foreign, Federal, state and local law enforcement agencies. We have been able to leverage our particular expertise and particular strategies to mount a comprehensive attack on national security threats. In the short and long term we will continue these partnerships that enhance all the missions under our respective jurisdictions.

- In order to respond to the immediate needs of the Northern Border areas, the Border Patrol is currently working with the Department of Defense and United States Coast Guard to augment enforcement resources by the utilization of additional aircraft and boat patrols, and intelligence analysis.
- The Border Patrol is also developing plans to expand the Integrated Border Enforcement Teams and the Integrated Maritime Enforcement Team (IMET). This concept was tested with great success in the Blaine, Washington and Buffalo, New York sectors of operation. This concept is a multi-agency cross-border operation that involves all participating law enforcement agencies, including: Border Patrol, Royal Canadian Mounted Police, U.S. Customs, U.S. Coast Guard, Bureau of Indian Affairs and a host of state and local law enforcement agencies. These agencies work in cooperation to cover large areas of responsibility by coordinating work schedules and patrol routes so that enforcement coverage is not duplicated and agency resources are maximized.

- INS also works with cross-designated authorities including the Drug Enforcement Administration, the U.S. Customs Service, and the Department of Agriculture, to stop the flow of illegal aliens, contraband and narcotics. In addition to a 25 percent drop in apprehensions from 1.6 million in FY 2000 to 1.2 million aliens in FY 2001, INS contributed to the arrest of 11,000 criminal aliens, and the seizure of 1.1 million pounds of marijuana and over 16,000 pounds of cocaine.
- The Border Coordination Initiative (BCI) is another example of interagency cooperation at its best. Developed in 1998, by the INS and the U.S. Customs Service for implementation on the Southwest Border its main objective was to create a seamless process at and between the land border POEs by building a comprehensive, integrated border management system that effectively achieves the mission of each agency. Since its inception, the scope of BCI has grown to include the Department of Agriculture and the U.S. Coast Guard at both the Headquarters and field levels. Additionally, it has an outreach provision that encourages participation by all interested Federal, state and local law enforcement agencies at each of the 24 BCI Field Areas. Expenditures have been minimal, while joint success stories are reported in the hundreds. The ability of BCI to pull together and work as force multipliers was never more evident than after the events of September 11th.
- INS coordinates enforcement operations with the U.S. Coast Guard, U.S. Customs Service, Central Intelligence Agency, Federal Bureau of Investigation, Department of State and international law enforcement agencies, on missions such as counter-terrorism, drug interdiction, disruption of alien smuggling, detection of fraud and other illegal activities. The INS has permanent representation at INTERPOL, the Border Coordination Initiative, the CIA, the Foreign Terrorist Tracking Task Force and the El Paso Intelligence Center with detailed personnel. The emphasis at each of these detail locations has also changed with much greater effort aimed at counter-terrorism. The U.S. Coast Guard has a liaison officer located at INS headquarters. In addition, the INS has exchanged liaison officers with the U.S. Customs Service.
- Our Joint Terrorism Task Force (JTTF) continues to be the backbone of the INS' efforts to combat international terrorism. The INS has 66 JTTF agents stationed in 36 locations around the United States. The JTTF agents serve as a critical component to root out terrorists and their supporters. Working closely with the FBI and other agencies within the multi-agency task forces, INS Special Agents have played a significant role in recent terrorist investigations nationwide by proactively investigating and targeting known terrorists, terrorist organization leaders, members, and associates.
- On the international front, INS coordinates its border enforcement efforts and documentary requirements with land neighbors to the south and to the north. From high-level policy development to the day-to-day interagency and interdepartmental cooperation, we are building strong relationships and taking steps to fight global threats.

Looking Ahead

The Administration and Congress have been working together to address each of the elements that affect national security. We will use every means possible to plan for and mobilize staff and resources in the least redundant and most effective way. We will continue to put our efforts to the task of ensuring national security. We are conscious of the gravity of the threats to the public as well as their expectation that INS can and will continue to advance the enforcement of its immigration mission.

Thank you for this opportunity to appear Mr. Chairman. I look forward to your questions.